

ORDINANCE 2024-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA PROVIDING FOR THE REZONING OF CERTAIN REAL PROPERTY TOTALING 2,787± ACRES, GENERALLY LOCATED BETWEEN WEST MOODY BOULEVARD/STATE HIGHWAY 11, STATE HIGHWAY 100 WEST, COUNTY ROAD 302, AND COUNTY ROAD 65, IN THE CITY OF BUNNELL LIMITS FROM FLAGLER COUNTY “AC, AGRICULTURAL DISTRICT,” CITY OF BUNNELL “R-1, SINGLE FAMILY RESIDENTIAL DISTRICT,” AND “AG&S, AGRICULTURAL & SILVICULTURE DISTRICT” TO CITY OF BUNNELL “PUD, PLANNED UNIT DEVELOPMENT DISTRICT”; APPROVING THE RESERVE AT HAW CREEK PLANNED UNIT DEVELOPMENT AGREEMENT; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR THE ADOPTION OF MAPS BY REFERENCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Bunnell to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, §166.041, *Florida Statutes*, provides for procedures for the adoption of ordinances by municipalities; and

WHEREAS, §163.3194(1)(b), *Florida Statutes*, requires all land development regulations enacted or amended to be consistent with the City’s adopted comprehensive plan; and

WHEREAS, JM Properties X, LLC (“Owner”), a Florida Limited Liability Company, is the owner of certain real property which land totals 2,787± acres in size (“Subject Property”) and are assigned Tax Parcel Identification Numbers as listed in this Ordinance by the Flagler County Property Appraiser’s Office; and

WHEREAS, Northeast Florida Developers, LLC (“Applicant”) has applied, as authorized by the Owner, to the City of Bunnell (“City”) pursuant to the controlling provisions of state law and the *City of Bunnell Land Development Code* (“LDC”), to have the Subject Property located generally between West Moody Boulevard/State Highway 11, State Highway 100 West, County Road 302, and County Road 65, more particularly described in Exhibit “A”, to be rezoned to the City of Bunnell “PUD, Planned Unit Development District” from the existing Flagler County “AC, Agricultural” and City of Bunnell “AG&S, Agricultural & Silviculture” and “R-1, Single Family Residential” zoning districts; and

WHEREAS, the City has amended the Future Land Use Map (“FLUM”) for the Subject Property from “Conservation-1” and “Single Family-Low Density” to “Single Family-Low Density,” “Single Family-Medium Density,” “Multifamily,” “Commercial-Medium,” “Industrial,” “Public,” and “Rural Estates” through a large-scale comprehensive plan amendment pursuant to §163.3184(4), *Florida Statutes*, as applied for by the Applicant; and

WHEREAS, the subject properties are currently vacant and primarily used for silvicultural purposes; and

WHEREAS, the applicant plans to develop the Subject Property into a Planned Unit Development known as the Reserve at Haw Creek (“PUD”) that will primarily consist of a mix of residential uses and approximately 44± acres of commercial uses that will serve both the development community and the City of Bunnell at large; and

WHEREAS, the Applicant requests approval for this PUD on the Subject Property per the conditions and criteria set forth in the Planned Unit Development Agreement, attached hereto and incorporated herein as Exhibit “C” (“Development Agreement” or “DA”); and

WHEREAS, the Applicant and Owner voluntarily agrees with the conditions, terms, and restrictions hereinafter recited and as included in the Development Agreement; and

WHEREAS, the City Commission of the City of Bunnell, Florida (“City Commission”) finds that this Development Agreement has been properly conditioned with terms and restrictions to be consistent with the City’s 2035 Comprehensive Plan and LDC and that the conditions, terms, restrictions, and requirements set forth herein are necessary to ensure compliance with the Comprehensive Plan and LDC and the protection of the public health, safety and general welfare of the citizens of the City and unincorporated Flagler County; and

WHEREAS, additional conditions of approval may also be included within the minutes of relevant meetings of the Planning, Zoning and Appeals Board and City Commission, and any representations or promises made by the Applicant and/or Owners during the zoning review and approval process for the PUD (whether oral or in writing) shall also be additional conditions of approval if deemed appropriate by the City; and

WHEREAS, the Development Agreement is non-statutory and not subject to or enacted pursuant to the provisions of §163.3220 – 163.3243, *Florida Statutes*; and

WHEREAS, the City’s Community Development Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject rezoning application and PUD be approved and has otherwise reviewed and evaluated the application to determine whether it comports

with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *2035 Comprehensive Plan*; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, acting as the City's local planning agency, held a public meeting on November 5, 2024 to consider amending the Official Zoning Map of the City of Bunnell, along with the PUD Development Agreement, and recommended _____ of the proposed PUD and rezoning for the Subject Property as requested by the Applicant and Owners; and

WHEREAS, professional City planning staff, the City's Planning, Zoning and Appeals Board, and the City Commission have determined that the proposed PUD and rezoning of the Subject Property as set forth in this Ordinance is consistent with the City's *2035 Comprehensive Plan*, the LDC, and controlling provisions of state law; and

WHEREAS, the Applicant's application for a Planned Unit Development is approved subject to the Development Agreement's terms, conditions, restrictions, and requirements;

WHEREAS, the City Commission of the City of Bunnell, Florida has taken, as implemented by City staff, all actions relating to the rezoning action set forth herein in accordance with the requirements and procedures mandated by State and local law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

(a) The forgoing recitals (whereas clauses), along with the City staff report and City Commission agenda memorandum relating to the application of the proposed rezoning of the Subject Property, are hereby adopted and incorporated into this Ordinance as the legislative and administrative findings of the City Commission.

(b) The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Rezoning of Real Property/Implementing Actions.

(a) Upon enactment of this Ordinance, the following described property, as legally described in Exhibit "A" and depicted in Exhibit "B" attached to this Ordinance, and totaling 2.787± acres in size, shall be rezoned to the City of Bunnell "PUD, Planned Unit Development District" zoning classification from the existing Flagler County "AC, Agricultural District" and City of Bunnell "AG&S, Agricultural & Silviculture District" and "R-1, Single Family Residential District" zoning classifications.

(b) The City Manager, or designee, is hereby authorized to execute any and all documents necessary to formalize approval of the rezoning action taken herein and to revise and amend the Official Zoning Map or Maps of the City of Bunnell as may be appropriate to accomplish the action taken in this Ordinance.

Section 3. Planned Unit Development Agreement.

(a) The Reserve at Haw Creek Planned Unit Development Agreement (“Development Agreement”) and its exhibits attached hereto as Exhibit “C”, with all appropriate signatures and joinders, is hereby adopted and approved by the City Commission of the City of Bunnell and shall constitute the regulations for the specific PUD District. The Development Agreement shall be recorded in the Official Records of Flagler County, Florida, by the City Clerk.

(b) Conditions of development relating to the subject property may be incorporated into the subsequent pertinent development orders and such development orders may be subject to public hearing requirements in accordance with the provisions of controlling law.

Section 4. Parcel Information.

The parcels which are the subject of this Ordinance are as follows:

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-1250-00010-0000

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-1250-00100-0360

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-1250-00100-0380

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-1250-00100-0010

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-5550-00010-0010

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-5550-00080-0000

TAX PARCEL IDENTIFICATION NUMBER: 13-12-29-5550-00150-0000

TAX PARCEL IDENTIFICATION NUMBER: 18-12-30-5550-00030-0010

TAX PARCEL IDENTIFICATION NUMBER: 18-12-30-5550-00010-0000

TAX PARCEL IDENTIFICATION NUMBER: 18-12-30-5550-00050-0110

TAX PARCEL IDENTIFICATION NUMBER: 18-12-30-5550-00120-0010

TAX PARCEL IDENTIFICATION NUMBER: 08-12-30-5550-00130-0000

TAX PARCEL IDENTIFICATION NUMBER: 17-12-30-0650-000D0-0000

TAX PARCEL IDENTIFICATION NUMBER: 20-12-30-0650-000B0-0010

TAX PARCEL IDENTIFICATION NUMBER: 20-12-30-0650-000A0-0030

TAX PARCEL IDENTIFICATION NUMBER: 16-12-30-0650-000B0-0010

TAX PARCEL IDENTIFICATION NUMBER: 16-12-30-0750-00010-0010

TAX PARCEL IDENTIFICATION NUMBER: 16-12-30-0750-00020-0000

TAX PARCEL IDENTIFICATION NUMBER: 16-12-30-0650-000A0-0010

TAX PARCEL IDENTIFICATION NUMBER: 16-12-30-0650-000B0-0000

TAX PARCEL IDENTIFICATION NUMBER: 21-12-30-0000-01010-0010

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-0850-000B0-0040

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-0650-000C0-0042

TAX PARCEL IDENTIFICATION NUMBER: 22-12-30-0650-000B0-0011

TAX PARCEL IDENTIFICATION NUMBER: 15-12-30-0650-000C0-0070

Section 5. Incorporation of Maps.

The map attached to this Ordinance as Exhibit “B” is hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 6. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this ordinance not otherwise to be invalid, unlawful, or unconstitutional.

Section 8. Non-codificaiton.

This Ordinance shall be not be codified in the *City Code of the City of Bunnell* or the *Land Development Code of the City of Bunnell*; provided, however, that the rezoning actions taken herein shall be depicted on the zoning maps of the City of Bunnell by the City Manager, or designee.

Section 9. Effective Date.

This Ordinance shall take effect upon the effective date of Ordinance 2024-09

First Reading: approved on this _____ day of _____, 2024.

Second Reading/Final Reading: adopted on this _____ day of _____ 2024.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Seal:

Kristen Bates, CMC, City Clerk

Exhibit "A"

Reserve at Haw Creek Planned Unit Development
Parcel Boundary Legal Description

A PARCEL OF LAND ENCOMPASSING PORTIONS OF BUNNELL GARDENS (MAP BOOK 2, PAGE 6), CRESCENT SHORES (MAP BOOK 2, PG 17), BUNNELL DEVELOPMENT COMPANYS LAND (MAP BOOK 1, PAGE 1), AND ST JOHNS DEVELOPMENT COMPANYS (MAP BOOK 1, PAGE 7) LYING IN SECTIONS 8, 15, 16, 17, 18, 20, 21, 22, AND 28, ALL IN TOWNSHIP 12 SOUTH, RANGE 30 EAST AND SECTION 13, TOWNSHIP 12 SOUTH, RANGE 29 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 15, TOWNSHIP 12 SOUTH, RANGE 30 EAST, THENCE S01°43'06"E ALONG THE WEST LINE OF SECTION 15 A DISTANCE OF 25.01' TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DEEN ROAD(50' R/W) ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N89°53'29"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DEEN ROAD A DISTANCE OF 132.21' TO THE WESTERLY LINE OF LANDS RECORDED IN OR 1348, PG 712; THENCE DEPARTING DEEN ROAD RIGHT-OF-WAY S01°39'01"E ALONG THE WESTERLY LINE OF THOSE LANDS RECORDED IN OR 1348, PG 712, AND OR 2521, PG 552 A DISTANCE OF 434.34' TO THE NORTHERLY LINE OF LANDS RECORDED IN OR 2643, PG 751; THENCE N89°52'35"W ALONG SAID LANDS A DISTANCE OF 17.83'; THENCE S01°38'50"E A DISTANCE OF 200.36'; THENCE N89°42'16"E DISTANCE OF 574.18' TO THE WESTERLY LINE OF THOSE LANDS RECORDED IN OR 2380, PG 1412; THENCE S01°34'38"E ALONG THE WESTERLY LINE OF THOSE LANDS RECORDED IN OR 2380, PG 1412 AND OR 2643, PG 754 A DISTANCE OF 285.74'; THENCE DEPARTING SAID WESTERLY LINE N89°42'16"E A DISTANCE OF 306.03'; THENCE S01°30'16"E A DISTANCE OF 42.66' TO THE NORTH LINE OF TRACT 7, BLOCK B, SECTION 15, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE N89°36'43"E ALONG SAID NORTH LINE A DISTANCE OF 330.97' TO THE EAST LINE OF SAID TRACT 7; THENCE S01°25'57"E ALONG THE EAST LINE OF TRACTS 7, 10, 11, 14, AND 15 A DISTANCE OF 1639.22' TO THE NORTH LINE OF BLOCK C OF SAID SECTION 15; THENCE N89°08'44"E ALONG SAID NORTH LINE OF BLOCK C, A DISTANCE OF 164.44' TO THE EAST LINE OF THE WEST HALF (1/2) OF TRACT 4, BLOCK C; THENCE S01°21'46"E ALONG THE EAST LINE OF THE WEST HALVES OF TRACTS 4 AND 12, BLOCK C A DISTANCE OF 1302.31' TO THE NORTH LINE OF TRACT 19, BLOCK C; THENCE N88°24'21"E ALONG SAID NORTH LINE OF TRACT 19, A DISTANCE OF 44.66' TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD HIGHWAY 11 (200' R/W); THENCE S39°21'05"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 1742.76' TO AN INTERSECTION WITH THE NORTH

LINE OF SECTION 22, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE CONTINUE S39°21'05"W ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 647.22' TO AN INTERSECTION WITH THE EAST LINE OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 11, S39°21'05"W A DISTANCE OF 3753.88' TO A CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE CURVE TO THE LEFT, HAVING A DELTA OF 11°11'00", A RADIUS OF 5807.06, AN ARC LENGTH OF 1133.46', A CHORD BEARING OF S33°45'35"W, AND A CHORD DISTANCE OF 1131.66'; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE S28°10'05"W A DISTANCE OF 951.54' TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 28, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF HIGHWAY 11, S88°42'07"W ALONG SAID NORTH LINE OF SECTION 28 A DISTANCE OF 1153.01'; THENCE DEPARTING THE NORTH LINE OF SECTION 28, S17°03'30"E A DISTANCE OF 573.61'; THENCE S01°02'20"E A DISTANCE OF 728.84'; THENCE N88°42'09"E A DISTANCE OF 267.08' TO A POINT OF AN INTERSECTION WITH THE WESTERLY RIGHT-OF- WAY LINE OF HIGHWAY 11, SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY; HAVING A DELTA OF 25°30'53" A RADIUS OF 2787.16, AN ARC LENGTH OF 1241.17, A CHORD BEARING OF S45°23'39"W, AND A CHORD DISTANCE OF 1230.94'; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, S58°09'05"W A DISTANCE OF 424.26'; THENCE DEPARTING WESTERLY RIGHT-OF-WAY LINE, N01°02'12"W A DISTANCE OF 2340.88' TO THE NORTHWEST CORNER OF SECTION 28, ALSO BEING THE SOUTHWEST CORNER OF SECTION 21, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE ALONG THE WESTERLY LINE OF SAID SECTION 21, N01°44'23"E A DISTANCE OF 3242.53' TO THE SOUTHEAST CORNER OF BLOCK A, SECTION 20, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE DEPARTING THE WESTERLY LINE OF SECTION 21, S89°13'30"W ALONG THE SOUTHERLY LINE OF SAID BLOCK A, SECTION 20, A DISTANCE OF 1994.32'; THENCE DEPARTING SAID SOUTHERLY LINE OF BLOCK A, N00°27'07"W A DISTANCE OF 672.43'; THENCE N88°53'32"E A DISTANCE OF 460.30'; THENCE N00°59'31"E A DISTANCE OF 661.67'; THENCE S88°54'19"W A DISTANCE OF 1266.54' TO THE EAST LINE OF BLOCK B, OF SAID SECTION 20, AND TO THE APPARENT CENTERLINE OF EAST BLACK POINT ROAD; THENCE CONTINUE S88°54'19"W A DISTANCE OF 1315.79'; THENCE S01°06'12"E A DISTANCE OF 1322.07' TO THE SOUTHERLY LINE OF SAID BLOCK B, AND TO THE APPARENT INTERSECTION OF EAST BLACK POINT ROAD; THENCE S89°13'30"W ALONG THE SOUTHERLY LINE OF BLOCK B, A DISTANCE OF 1318.07' TO THE WEST QUARTER SECTION CORNER OF SECTION 20 ALSO BEING THE EAST QUARTER SECTION CORNER OF SECTION 19, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST JOHNS DEVELOPMENT COMPANYS; THENCE N01°12'21"W ALONG THE WEST LINE OF SECTION 20, A DISTANCE OF 191.69';

THENCE S89°01'18"E A DISTANCE OF 482.19'; THENCE N01°15'35"W A DISTANCE OF 467.36'; THENCE N89°01'18"W A DISTANCE OF 481.75' TO THE WEST LINE OF SECTION 20; THENCE N01°12'21"W A DISTANCE OF 1977.10' TO THE NORTHWEST CORNER OF SECTION 20, ALSO BEING THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST JOHNS DEVELOPMENT COMPANYS; THENCE N01°40'51"E ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 19.90'; THENCE DEPARTING SAID EAST LINE N84°12'43"W A DISTANCE OF 1569.58'; THENCE S22°06'08"W A DISTANCE OF 223.70' TO THE SOUTH LINE OF SECTION 18; THENCE S88°59'14"W ALONG THE SAID SOUTH LINE OF SECTION 18 A DISTANCE OF 986.38'; THENCE CONTINUE S88°59'14"W A DISTANCE OF 2631.80' TO THE SOUTHWEST CORNER OF SECTION 18, ALSO BEING THE SOUTHEAST CORNER OF SECTION 13, TOWNSHIP 12 SOUTH, RANGE 29 EAST, ST JOHNS DEVELOPMENT COMPANYS; THENCE S89°46'37"W A DISTANCE OF 2645.38' TO THE SOUTH QUARTER SECTION CORNER OF SAID SECTION 13; THENCE N00°48'58"W ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 13, A DISTANCE OF 2634.39' TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 13, ALSO BEING THE SOUTHWEST CORNER OF CRESCENT SHORES SUBDIVISION; THENCE N00°50'16"W ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 13, ALSO BEING THE WEST LINE OF CRESCENT SHORES, A DISTANCE OF 654.90'; THENCE DEPARTING THE WEST LINE OF SECTION 13, N89°22'31"E ALONG THE NORTH LINE OF CRESCENT SHORES, A DISTANCE OF 650.87' TO THE WEST LINE OF CRESCENT SHORES; THENCE N02°04'51"W ALONG SAID WEST LINE OF CRESCENT SHORES A DISTANCE OF 656.30' TO THE NORTH LINE OF CRESCENT SHORES; THENCE N89°17'01"E A DISTANCE OF 1162.49'; THENCE N01°21'44"W A DISTANCE OF 1301.16' TO THE SOUTHERLY RIGHT-OF- WAY LINE OF HIGHWAY 302(95' R/W); THENCE N89°32'29"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 647.15' TO AN INTERSECTION WITH THE WEST LINE OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST JOHNS DEVELOPMENT COMPANYS; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF 302, N89°36'23"E A DISTANCE OF 222.10' TO THE NORTHWEST CORNER OF LANDS RECORDED IN OR 2772, PG 104; THENCE S00°45'47"E ALONG THE WEST LINE OF THOSE LANDS RECORDED IN OR 2772, PG 104 AND OR 2781, PG 1914, A DISTANCE OF 1297.06' TO AN INTERSECTION WITH THE NORTH LINE OF TRACT 1, BLOCK 5, SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST JOHNS DEVELOPMENT COMPANYS; THENCE CONTINUING ALONG THE WEST LINE OF THE LAND RECORDED IN OR 2781, PG 1914, S00°45'47"E A DISTANCE OF 32.34'; THENCE N88°12'04"E ALONG THE SOUTHERLY LINE OF THOSE LANDS RECORDED IN OR 2781, PG 1914 AND OR 458, PG 1529, A DISTANCE OF 1010.82' TO THE SOUTHEAST CORNER OF SAID LAND RECORDED IN OR 458, PG 1529; THENCE N00°45'26"W ALONG THE EAST LINE OF LANDS RECORDED IN OR 458, PG 1529 A DISTANCE OF 12.66' TO THE NORTH LINE OF TRACT 3, BLOCK 5, SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST JOHNS DEVELOPMENT

COMPANYS; THENCE N89°19'01"E ALONG THE NORTH LINE OF TRACTS 3, OF BLOCK 5, AND TRACT 1 OF BLOCK 6, OF SECTION 18 ALSO BEING THE SOUTHERLY LINES OF THOSE LANDS RECORDED IN OR 1574, PG 144 AND OR 1920, PG 1591, A DISTANCE OF 1025.66' TO THE SOUTHEAST CORNER OF OR 1920, PG 1591; THENCE N00°16'30"E ALONG THE EAST LINE OF THE LAND RECORDED IN OR 1920, PG 1591, A DISTANCE OF 1286.92' TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 302; THENCE N89°36'23"E ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF 302, A DISTANCE OF 372.75'; THENCE N21°21'23"E A DISTANCE OF 31.98' TO THE NORTH LINE OF SECTION 18; THENCE N89°37'36"E ALONG THE NORTH LINE OF SECTION 18, A DISTANCE OF 158.57' TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 100(100' R/W), SAID POINT BEING ON A CURVE CONCAVE NORTHEASTERLY; THENCE ALONG THE SAID SOUTHERLY RIGHT-OF- WAY LINE OF HIGHWAY 100, CURVE TO THE LEFT, HAVING A DELTA OF 08°35'47", AN ARC LENGTH OF 867.16', A RADIUS OF 5779.65', A CHORD BEARING OF S81°21'35"E, AND A CHORD DISTANCE OF 866.35'; THENCE CONTINUE ALONG SOUTHERLY RIGHT-OF-WAY LINE OF 100, S85°39'29"E A DISTANCE OF 1284.36' TO AN INTERSECTION WITH THE WEST LINE OF THOSE LANDS OCCUPIED BY POLONIA SOCIETY OF KORONA FL, INC., RECORDED IN OR 1757, PG 110; THENCE S00°09'40"W ALONG THE WEST LINE OF SAID POLONIA SOCIETY LANDS A DISTANCE OF 479.76' TO THE SOUTHWEST CORNER OF THE POLONIA SOCIETY; THENCE S89°45'41"E ALONG THE SOUTHERLY LINE OF THE POLONIA SOCIETY LAND A DISTANCE OF 720.47' TO THE EAST LINE OF THE POLONIA SOCIETY, ALSO BEING THE EAST LINE OF SECTION 18, ALSO BEING THE WEST LINE OF SECTION 8, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE N00°41'17"W ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 428.58' TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF 100; THENCE S85°39'29"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 100 A DISTANCE OF 1326.32' TO THE EAST LINE OF TRACT 3, BLOCK 13, SECTION 8; THENCE DEPARTING SOUTHERLY RIGHT-OF-WAY LINE OF 100, S00°27'15"E ALONG SAID EAST LINE OF TRACT 3, A DISTANCE OF 300.03' TO THE NORTH LINE OF SECTION 17, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE N87°43'25"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 17, A DISTANCE OF 1320.49' TO A 4X4 CONCRETE MONUMENT MARKING THE NORHT QUARTER SECTION CORNER OF SECTION 17; THENCE N89°27'01"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 17, A DISTANCE OF 662.91' TO AN INTERSECTION WITH THE WEST LINE OF THOSE LANDS RECORDED IN OR 486, PG 1649, DEED BOOK 55, PG 453, AND OR 496, PG 1651; THENCE S00°53'47"E ALONG THE WEST LINE OF OR 486, PG 1649 A DISTANCE OF 44.86' TO THE SOUTHWEST CORNER OF THOSE LANDS RECORDED IN OR 486, PG 1649; THENCE S85°39'50"E ALONG THE SOUTHERLY LINE OF LAND DESCRIBED IN OR 55, PG 453, A DISTANCE OF 525.32' TO THE EASTERLY LINE OF OF THE WEST 523.12 FEET OF TRACT 3, BLOCK 15, AS

MEASURED ALONG THE SOUTH LINE OF SECTION 8; THENCE N00°55'58"W ALONG SAID EASTERLY LINE, A DISTANCE OF 135.45' TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 100; THENCE S85°39'29"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF 100 A DISTANCE OF 137.38' TO AN INTERSECTION WITH THE WEST LINE OF TRACT 1, BLOCK 16, SECTION 8; THENCE S00°49'08"E ALONG SAID WEST LINE, A DISTANCE OF 34.14' TO THE NORTH LINE OF SECTION 17; THENCE N89°27'01"E ALONG SAID NORTH LINE, A DISTANCE OF 398.73' TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 100; THENCE S85°39'29"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY 100, A DISTANCE OF 86.78' TO A CURVE CONCAVE NORTHERLY; THENCE ALONG THE CURVE TO THE LEFT, HAVING A DELTA OF 04°54'50", A RADIUS OF 11509.19, AN ARC LENGTH OF 987.07', A CHORD BEARING OF S88°06'54"E, AND A CHORD DISTANCE OF 986.77'; THENCE CONTINUE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 100, N89°25'41"E A DISTANCE OF 1778.54' TO AN INTERSECTION WITH THE WEST LINE OF TRACT 2, BLOCK B, SECTION 16, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANYS LAND; THENCE S01°45'35"E ALONG THE WEST LINE OF SAID TRACT 2, A DISTANCE OF 609.42' TO THE SOUTHWEST CORNER OF TRACT 2; THENCE N89°18'38"E A DISTANCE OF 724.82' TO THE SOUTHEAST CORNER OF LANDS OCCUPIED BY DUANE TAYLOR RECORDED IN OR 2650, PG 1753; THENCE N01°43'51"W ALONG THE EAST LINE OF THOSE LANDS OCCUPIED BY DUANE TAYLOR OR 2650, PG 1753, AND JOSEPH WRIGHT OR 2695, PG 1433, A DISTANCE OF 607.92' TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 100; THENCE N89°25'41"E ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 19.40' TO AN INTERSECTION WITH THE WEST LINE OF LOT 8, BLOCK 1, BUNNELL GARDENS, MAP BOOK 2, PG 6; THENCE DEPARTING THE SOUTHERLY RIGHT- OF-WAY LINE S01°58'41"E ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 79.38' TO THE SOUTHWEST CORNER OF LOT 8; THENCE N88°57'01"E A DISTANCE OF 102.38' TO THE SOUTHEAST CORNER OF LOT 5, BLOCK 1, BUNNELL GARDENS; THENCE N01°58'01"W ALONG THE EAST LINE OF LOT 5, A DISTANCE OF 78.53' TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 100; THENCE N89°25'41"E ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 100, A DISTANCE OF 649.02' TO A CURVE IN SAID RIGHT-OF-WAY, CONCAVE NORTHWESTERLY; THENCE ALONG THE CURVE TO THE LEFT, HAVING A DELTA OF 12°21'55", A RADIUS OF 1482.68', AN ARC LENGTH OF 319.98', A CHORD BEARING OF N83°14'43"E, AND A CHORD DISTANCE OF 319.36' TO AN INTERSECTION WITH THE SOUTHERLY RIGHT- OF-WAY LINE OF DEEN ROAD(50' R/W); THENCE N88°56'32"E ALONG SAID SOUTHERLY RIGHT-OF-WAY OF DEEN ROAD, A DISTANCE OF 1526.48' TO THE POINT OF BEGINNING AND TO CLOSE.

LESS AND EXCEPT THE FOLLOWING PARCELS:

THE NORTH 330 FEET OF TRACT 1, BLOCK D, SECTION 17, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BUNNELL DEVELOPMENT COMPANY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 17-12-30-0650-000D0-0010

AND ALSO LESS AND EXCEPT

TRACT 1, BLOCK D, SECTION 17, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ACCORDING TO THE PLAT OF BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 1, FLAGLER COUNTY, FLORIDA, LESS THE NORTH 330 FEET THEREOF.

COMMONLY KNOWN AS: 680 E BLACK POINT RD., BUNNELL, FL 32110

PARCEL ID: 17-12-30-0650-000D0-0011

AND ALSO LESS AND EXCEPT

OFFICIAL RECORDS BOOK 91, PG 683:

PARCEL OF LAND IN SECTION 17, TOWNSHIP 12 SOUTH, RANGE 30 EAST DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 17, THE SAME BEING THE SOUTHWEST CORNER OF SECTION 8; THENCE NORTH 00°41'08" WEST ALONG THE WEST LINE OF SAID SECTION 8 A DISTANCE OF 502.43 FEET TO THE CENTERLINE OF STATE ROAD 100; THENCE SOUTH 85°39'51" EAST ALONG SAID CENTERLINE 1007.31 FEET TO THE CENTERLINE OF AN EXISTING COUNTY ROAD; THENCE SOUTH 18°36'01" WEST ALONG SAID CENTERLINE 1590.90 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 733.60 FEET AND A DELTA ANGLE OF 6°12'49", THENCE ALONG THE ARC OF SAID CURVE 79.56 FEET TO A POINT THEREIN; THENCE NORTH 79°18'59" WEST 25.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD AND THE POINT OF BEGINNING;

THENCE NORTH 79°18'59" WEST 508.86 FEET; THENCE SOUTH 16°14'28" WEST 471.08 FEET; THENCE SOUTH 84°28'35" EAST 634.66 FEET TO A POINT IN AFORESAID WESTERLY RIGHT-OF-WAY LINE, BEING A POINT ON A CURVE CONCAVE TO THE EASTERLY, SAID CURVE HAVING A RADIUS OF 758.60 FEET AND A DELTA ANGLE OF 32°35'00", THENCE ALONG THE ARC OF SAID CURVE RUN NORTHWESTERLY A DISTANCE OF 431.41 FEET TO THE POINT OF BEGINNING.

CONTAINNING 5.44 ACRES.

PARCEL ID: 17-12-30-0650-000B0-0000

AND ALSO LESS AND EXCEPT

TRACTS 1 AND 2, BLOCK A, IN SECTION 20, TOWNSHIP 12 SOUTH, RANGE 30 EAST, IN THE BUNNELL DEVELOPMENT COMPANY'S ALLOTMENT, ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED IN PLAT BOOK 1, AT PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 20-12-30-0650-000A0-0010

AND ALSO LESS AND EXCEPT

A PORTION OF SECTIONS 17 AND 20, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ST. JOHNS DEVELOPMENT COMPANYS SUBDIVISION, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING A "MOODY" 6x6 CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SAID SECTION 20, BEAR N82°18'39"W ALONG THE NORTH LINE OF SAID SECTION 20, A DISTANCE OF 725.72 FEET TO THE NORTHWEST CORNER OF TRACT 2, BLOCK A, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE S00°48'22"W ALONG SAID WEST LINE OF TRACT 2, BLOCK A, A DISTANCE OF 131.57 FEET; THENCE DEPARTING SAID WEST LINE OF TRACT 2, N34°53'40"W A DISTANCE OF 177.40 FEET TO THE SAID NORTH LINE OF SECTION 20, ALSO BEING THE SOUTH LINE OF SAID SECTION 17; THENCE CONTINUE

N34°53'40"W A DISTANCE OF 28.55 FEET TO A CURVE, CONCAVE NORTHWESTERLY, IN THE SOUTHERLY RIGHT-OF-WAY LINE OF EAST BLACK POINT ROAD (CR 5 EAST, A 50' MAINTAINED R/W); THENCE ALONG THE CURVE TO THE LEFT, HAVING A DELTA OF 23°47'29", A RADIUS OF 225.00', AN ARC LENGTH OF 93.43', A CHORD BEARING OF N72°44'31"E, AND A CHORD DISTANCE OF 92.76' TO A POINT OF TANGENCY IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BLACK POINT ROAD; THENCE N60°50'46"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 34.84' TO THE WESTERLY LINE OF TRACT 11, BLOCK D, OF SAID SECTION 17; THENCE S00°27'45"E ALONG SAID WESTERLY LINE A DISTANCE OF 81.86' TO THE SOUTHWEST CORNER OF SAID TRACT 11, BLOCK D, ALSO BEING THE POINT OF BEGINNING, AND TO CLOSE.

PARCEL CONTAINING 0.2791 ACRES MORE OR LESS.

AND ALSO LESS AND EXCEPT

ST. JOHNS DEVELOPMENT COMPANY SUBDIVISION, SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST, THE N 1/2 OF TRACT 3, BLOCK 12 AS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 18-12-30-5550-00120-0031

AND ALSO LESS AND EXCEPT

THE SOUTH 1/2 OF TRACT 3, BLOCK 12, ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION OF SECTION 18, TOWNSHIP 12 SOUTH, RANGE 30 EAST AS RECORDED IN PLAT BOOK 1, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 18-12-30-5550-00120-0030

AND ALSO LESS AND EXCEPT

LOTS 40 AND 41, BLOCK 10, CRESCENT SHORES SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN MAP BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL ID: 13-12-29-1250-00100-0400

AND ALSO LESS AND EXCEPT

ALL LANDS LYING IN ROAD RIGHTS-OF-WAYS: INCLUDING THOSE LANDS LYING IN STATE ROAD HIGHWAY 100; STATE ROAD HIGHWAY 11; COUNTY ROAD 302; COUNTY ROAD 65; COUNTY ROAD 80; ALL ROADS PLATTED IN PLAT BOOK 2, PAGE 17, CRESCENT SHORES; ALL ROADS PLATTED IN PLAT BOOK 2, PAGE 6, BUNNELL GARDENDS; AND ALL OF BLACK POINT ROAD (COUNTY ROAD 5).

SUBJECT TO THE FOLLOWING PARCELS:

300' FPL EASEMENT "F-19" DESCRIBED IN OFFICIAL RECORDS BOOK 224, PAGE 741 AND OFFICIAL RECORDS BOOK 226, PAGE 130, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

AND ALSO SUBJECT TO THOSE LANDS LYING IN ROAD RIGHT-OF-WAYS AND EASEMENTS AS PLATTED AND DESCRIBED IN BUNNELL DEVELOPMENT COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 1, AND ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 7, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

AND ALSO SUBJECT TO THE WOODS ROAD BEING USED FOR INGRESS, EGRESS, AND UTILITIES PURPOSES FOR THOSE PARCELS OF LAND LYING IN TRACT 3, BLOCK 12, SECTION 18, ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION, FLAGLER COUNTY, FLORIDA.

Exhibit "B"
Amended City of Bunnell Zoning Map

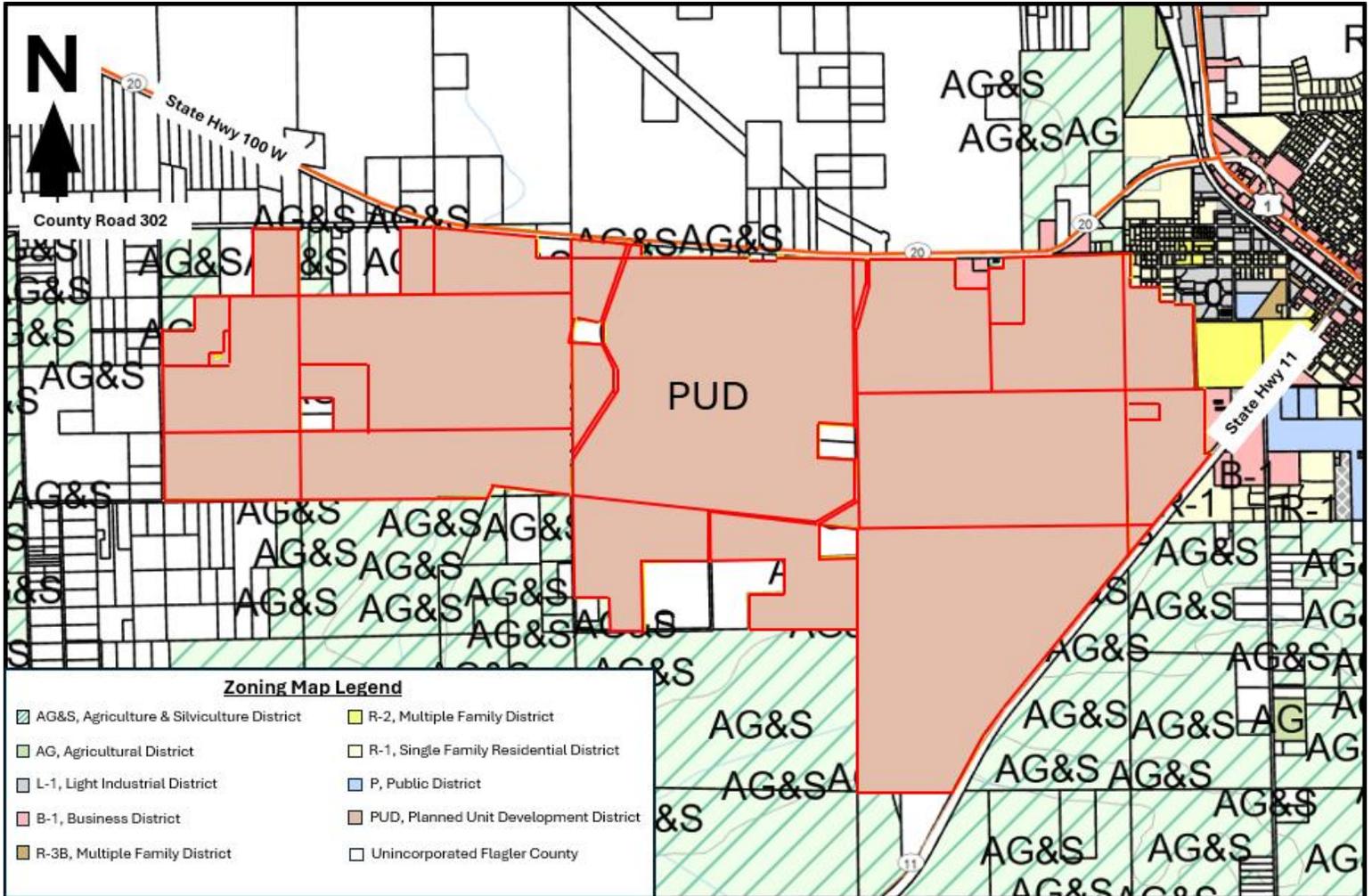


Exhibit “C”

Reserve at Haw Creek Planned Unit Development Agreement